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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,080	01/05/2000	WARNER R. T. TEN KATE	PHN-17-254	1177

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

OPSASNICK, MICHAEL N

ART UNIT PAPER NUMBER

2655

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/478,080	<b>Applicant(s)</b> TEN KATE ET AL.	
	<b>Examiner</b> Michael N. Opsasnick	<b>Art Unit</b> 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/16/2004 (rce request).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3,5-7,9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al (5809454) in view of Itakura et al (5901149).

As per claims 1,9,18, Okada et al (5809454) teaches an arrangement station for reproducing a multimedia signal (MPEG data stream) the arrangement comprising presenting means for presenting the multimedia signal to a user (Fig. 1,6;col. 1 lines 5-28), delay determining means for determining a packet delay measure representing the arrival delay of packets carrying the multimedia signal (as determining the time differential between data arrival and playback mode (col. 6 lines 35-55), as a delay (col. 11 lines 25-50), based on the differential bit rate (col. 6 lines 50-55)); and the presenting means includes a comparison means for determining a difference value between the packet delay measure and a reference value (as counting the difference between the write signal pulses and the read signal pulses -- col. 7 lines 21-31); and an adjusting means for

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adjusting the presenting speed in dependence on the difference value (as adjusting the sound interval for compression/expanding according to the write process -- col. 7 lines 34-50).

Okada et al (5809454) does not explicitly teach the packet delay from a packet switched network (Okada et al (5809454) discusses delay between the audio and video packets from an MPEG stream, but does not explicitly teach the delay from a network), however, Itakura et al (5901149) teaches monitoring the delay fluctuations in a network and adjusting the MPEG data packets for such delays, (Fig. 15; col. 1 lines 5-15; col. 3 lines 1-4; col. 4 lines 1-15; col. 12 lines 15-20), along with adjusting the presenting speed to correlate with the reception rate (col. 5 lines 30-52, lines 59-65 → the decoder output is a function of the rate of information coming into the decoder, and the memory storage). Therefore, it would have been obvious to one of ordinary skill in the art of multimedia signal distribution to incorporate the teachings of Okada et al (5809454) into the packet switched network based packet delay control system of Itakura et al (5901149) because it would advantageously control delay distortion due to the network (Itakura et al (5901149), col. 12 lines 18-20).

As per claims 2,10, the combination of Okada et al (5809454) in view of Itakura et al (5901149) teaches varying the presentation speed of the sound without changing the intonation of the audio signal (Okada et al (5809454), abstract).

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As per claims 3,11, the combination of Okada et al (5809454) in view of Itakura et al (5901149) teaches varying the duration of the segments based on the packet delay (Okada et al (5809454), col. 11 lines 35-49; col. 9 lines 1-66)

As per claims 5,17, the combination of Okada et al (5809454) in view of Itakura et al (5901149) teaches adapting the reference value in dependence on the variations of the difference value (Okada et al (5809454), col. 9 lines 45 – col. 10 line15).

As per claims 6,7,12,13, the combination of Okada et al (5809454) in view of Itakura et al (5901149) teaches adjusting the movement speed of the object video signal (Okada et al (5809454), col. 14 line 30 – col. 15 line 65; col. 18 lines 10-65).

As per claim 14, the combination of Okada et al (5809454) in view of Itakura et al (5901149) teaches comparison of the time values to measure the packet delay (Okada et al (5809454), as time based indexed signals for synchronization –col. 11 lines 50-60)

As per claim 15, the combination of Okada et al (5809454) in view of Itakura et al (5901149) teaches a reference value flag based on the buffer measurements (Okada et al (5809454), col. 20 line 61 – col. 21 line 9)

As per claim 16, the combination of Okada et al (5809454) in view of Itakura et al (5901149) teaches playback speeds up to 300% (or 3 times) without changing the

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intonation of the audio signal component (Okada et al (5809454), Fig. 13; col. 16 line 33 – col. 17 line 25).

### ***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The new rejections given above address the new claim scope, namely, packet switched network based packet delays, wherein the output of the decoder is a function of the input rate into the decoder, as well as time delays, and memory constraints of the storage area, as shown above.

### ***Conclusion***

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno

9/1/2004



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